

A Regular Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 9th day of December 2004, at 8:00 P.M., and there were

PRESENT: JEFFREY LEHRBACH, CHAIRMAN
 JOHN ABRAHAM, JR. MEMBER
 ANTHONY ESPOSITO, MEMBER
 WILLIAM MARYNIEWSKI, MEMBER
 RICHARD QUINN, MEMBER
 ARLIE SCHWAN, MEMBER
 ROBERT THILL, MEMBER

ABSENT: NONE

ALSO PRESENT: JOHANNA M. COLEMAN, TOWN CLERK
 JEFFREY SIMME, BUILDING INSPECTOR

The Affidavits of Publication and Posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

PETITION OF REBECCA ANDERSON:

THE CASE TO BE CONSIDERED BY THE Zoning Board of Appeals is that of the petition of Rebecca Anderson, 493 Lake Avenue, Lancaster, New York for one [1] variance for the purpose of permitting a fence to remain as positioned on premises owned by the petitioner at 493 Lake Avenue, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 35A. of the Code of the Town of Lancaster. The height of the fence along the north side yard property line ranges from six feet two inches [6',2"] to six feet nine inches [6',9"].

Chapter 50, Zoning, Section 35A of the Code of the Town of Lancaster limits the height of a fence in a residential district rear side yard to six feet [6'] in height. The petitioner, therefore, requests a variance of nine inches [9"].

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Rebecca Anderson, petitioner
493 Lake Avenue
Lancaster, New York 14086

Proponent

Jeffrey Markello, attorney representing Sandra Kappan,
owner of property at 479 Lake Avenue, Lancaster, New York

Opponent

Joseph Savash
475 Lake Avenue
Lancaster, New York 14086

Opponent

IN THE MATTER OF THE PETITION OF REBECCA ANDERSON

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. THILL, WHO MOVED ITS
ADOPTION, SECONDED BY MR. LEHRBACH
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Rebecca Anderson and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 9th day of December 2004, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has requested further information from the petitioner.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster, with the concurrence of the petitioner, agrees that an adjournment of this hearing is in the best interest of both the residents of the Town of Lancaster and the petitioner.

**NOW, THEREFORE, BE IT
RESOLVED** that this hearing be adjourned to allow for further testimony and evidence to be presented.

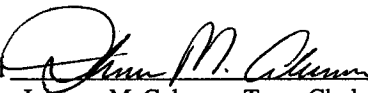
The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. ABRAHAM	VOTED YES
MR. ESPOSITO	VOTED YES
MR. MARYNIEWSKI	VOTED YES
MR. QUINN	VOTED YES
MR. SCHWAN	VOTED YES
MR. THILL	VOTED YES
MR. LEHRBACH	VOTED YES

The resolution adjourning this hearing was thereupon **ADOPTED**.

December 9, 2004

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was
adjourned at 8:44 P.M.

Signed 
Johanna M. Coleman, Town Clerk and
Clerk, Zoning Board of Appeals
Dated: December 9, 2004